20

E. A. Elan 1676 Wun 16/2

File No. 193
1935

Collection No. 57

Pros. Serial Nos.

Subject.

Wn 1939 — Service of Summons —
CR Nagappa Vs. E. Wicle

Previous References.

Later References.

S. 97.—(Orange).

MFP—426 S&P—(M-582)—14-8-35—40,000.

1/a

Diary No.32 S.N.(1)

"Commissioner of Police"

Sd H. Trevelyan
5.9.39

mU/o No,F.193/1939

The Residency, Bangalore,
5th September 1939.

J.M. Green Esq.,
Commissioner of Police, C & M Station.

1/b

C.a.

Reply that statements of A.C. may be sent to me, making it clear whether the sums are on account of private or business dealings.

Yes.

1/c

Instructions issued. Copy forwarded.

7/9/39

Sd/- Malyan Sept. 1939.
Secy. to the Hon'ble the Resident.

HS

6 I have kept the papers about the civil suit against WIELE, with the Commandant of the Internment Camp, as the agent, CBI, is going to the Camp this afternoon. I thought it would be best for him to see the papers & discuss with WIELE

Remainder of file returned to you

23/5/42

Secretary to the Hon'ble the Resident

Urgent

(P)

F.N.4

Heard with a Statement by WIELE.

as he has no funds in any case, beyond
that Government may provide, or beyond
such contribution as may be ordered to
be paid by the firm of Cyril & Wiele,
and as he has been deprived of the
power to earn money because of his
internment. I would suggest that
the Government Solicitor might take
up the matter & settle it, and decide,
in consultation with the agent, Imperial
Bank of India, how best to find the
means of paying any amount agreed on.
The claim against WIELE appears in any case
to be unreasonable.
The case is posted to 26th Septr. 1939, 11 am.

Magistrate 25/9/39

The secretary to the Hon'ble the Resident.

F Would Dt. Magistrate kindly settle this? If he can, it would be better to arrange a settlement out of Court. Otherwise Wiele will presumably have the suit decided, with himself ex parte.

[illegible]
25/9/39.

D.7.0G.

9 I can settle the suit for Rs 100/- to be paid at once

10

please see last sentence of para 9 of office notes.

The Collector's suggestion to settle the suit out of court for Rs.100/- seems to be the best solution; but the question is whether the Government will be justified in making the payment. The money is proposed to be paid to Mrs.Wiele out of the Collector's Discretionary Grant, for the purpose of meeting her husband's debts; but the rules governing expenditure from that Grant would hardly admit a payment of this kind. Government are not bound to pay internees' debts and as far as their families are concerned, Government need pay only their maintenance charges.It is true that no maintenance allowance is being paid to Mrs.Wiele; but that is no reason why Government should meet her husband's debts. If, however, there is any likelihood of the plaintiff, in the event of his obtaining a decree, executing it by attachment of any moveables belonging to Mr.Wiele and now in the possession of Mrs.Wiele and this would cause distress to Mrs.Wiele, there will perhaps be a case for the Government to intervene now and settle the matter by meeting the plaintiff's claim at the minimum cost. But if there is no danger of any coercive process being taken out against Mrs.Wiele, it will be difficult to satisfy audit that payment from the Collector's Discretionary Grant or any other grant was justified. Perhaps, the file may be sent back to the Collector for favour of further remarks.

11

It is observed that the summons was only shown to Mr.Wiele; it was not actually served on him. The Court will not be able to proceed with the suit until it is satisfied that the summons has been properly served on the defendant. If therefore the matter cannot be settled out of court, the summons may have to be sent back to the Central Internment Camp for service and return.

SECRETARY.

5-x.39

9/10/39.

Rs100/-

21

Reference para. 19 ante.

Draft submitted.

11-1-40

Collector may see before issue.

12/1/40.

The Collector,
Civil and Military Station, Bangalore.
U.O.No.F.193-39(57)/W, dated 12-1-1940.

Sen thanks.
I made no actual promise to Mr Wiele but said I would do what I could.

H.H. Carleton
12.1.40.

The Secretary to the Resident.
U.O.No.162-A.40 dt 12-1-40.

Issue.

13/1/40.

Issue: S. N.(9).

No. SB/312 Bangalore, the 7th September 1939.

From

J.M. Green, Esq., I.P.,
Commissioner of Police,
Civil and Military Station,
B a n g a l o r e.

To

The Secretary,
Bangalore Commercial Association,
1, Commercial Street, Bangalore.

Sir,

Your letter No.99/39, dated the 5th September 1939, addressed to the Secretary to the Hon'ble the Resident, has been forwarded to me.

Will you kindly send me statements of accounts of the local Germans who are due amounts to some of the merchant members of your Association. It should be made clear in every case whether the dues are on account of private or business dealings.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- J.M. Green

COMMISSIONER OF POLICE.

Copy forwarded for information, to the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

COMMISSIONER OF POLICE.

8/9/39
OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
Recd. No. W/123
File No.

G. No.244/39. Enc.(1) set.

WB. 1st 24/9/39 42 3

OFFICE OF THE DISTRICT MUNSIFF AND FIRST CLASS MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 20th September *1939*.

FROM

Sri Rao Sahib B. Ananda Baliga., B.A.B.L.,

DISTRICT MUNSIFF ~~AND FIRST CLASS MAGISTRATE~~,

CIVIL AND MILITARY STATION,

BANGALORE.

To

'The Secretary to the Hon'ble the Resident

in Mysore, Bangalore.

SIR,

Defendant summons in O.S. No. 147/1939.

I have the honour to forward in duplicate a summons in the above case on the file of this Court to the defendant, a German who is said to be interned in the Baird Barracks, Civil and Military Station, Bangalore, and to request that you will be so good as to cause the duplicate to be served on the ... party therein named and the original returned with the mode of service duly endorsed thereon.

I have the honour to be,

Sir,

Your most obedient servant,

District Munsiff & 1st Class Magistrate.

Q 26/9/39

MS/20.9

21/9/39
OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
Recd. No. W.1.404
File No.

20 SEP. 1939

Bangalore, 24th September 1939

The Secretary to the Hon'ble the Resident
in Mysore. Bangalore.

Summons in O.S. No. 147/1939.

Sir,

In reply to the above summons I beg to state the following:
I was the tenant of the Plaintiff Mr. C.R. Nagappa in
his premises 113 Brigade Road, Bangalore, since the 1st of
June 1937 and have always paid the rent to the landlord
regularly. In the course of last year the roof in all the
rooms occupied by me in the flat became defective, although
the building was a newly built one and I the first tenant
to occupy it. The debris damaged my property and on
pointing this out to the Plaintiff, he told me to deduct
the cost of the damage from the next rent due. I took
his word as a word of a gentleman. During the repairs
to the roof I was obliged to carry on a camp life moving
from room to room, demanding no compensation
for the inconvenience my wife and I were put to
I deducted for damage of property Rs 10/- (a very
small amount) the following month. Mr. Nagappa
cut back on his word and refused to accept the
in full settlement for the rent in advance.

To add insult to injury he served me with notice through his lawyers to vacate the premises. He has ever since received either by M.O or cheque the rent in payment in advance. I was informed on the 4th of this month and my wife vacated the flat a few days later.

I would like to settle my differences out of court and would thank you to help me to do so. I shall pay by instalments whenever funds should be available whatever you may consider to be fair and just after considering the facts of the case.

Thanking you in anticipation of your kind help.

I remain

Yours faithfully

E. Hale.

5

Issued 20/2 (Encl: 4 s.)

No. 193.39(57)/W. 30th October 1939.

From

The Secretary to the Resident.

To

The District Munsiff,
Civil and Military Station,
Bangalore.

Issued ICS 30/10/39.

O.S.No.147 of 1939 - C. R. Nagappa vs.E. Wiele - Service of summons on the defendant.

S.N.3 of (K)

Reference your letter No.244/39, dated the 20th September 1939.

2. Mr. Wiele has since been removed to the Central Internment Camp at Ahmednagar. Will you please post the suit to some date in December 1939 and return the summons for service on him?

o/c.

SECRETARY TO THE RESIDENT.

23/2

Urgent - D N 5

M No. 244/39 Enclos. 4

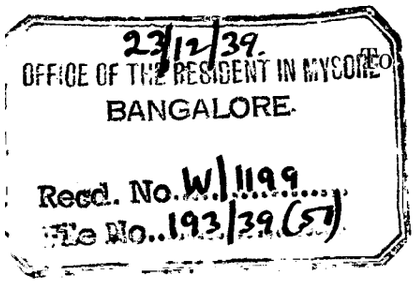
W 23/12

DISTRICT ~~AND SESSIONS COURT~~ Munsif
CIVIL AND MILITARY STATION,
Bangalore, dated 22 - 12 - 1939.

23

FROM

M. R. Ry. P. Chinnaswami Talaivar Avl., B. A.,
DISTRICT ~~AND SESSIONS JUDGE~~, MUNSIFF,
CIVIL AND MILITARY STATION,
BANGALORE.



The Secretary to the Hon'ble the Resident in Mysore,
BANGALORE.

~~SIR~~ Ref:- Defendant Summons in O. S. 147 of 1939.

Sir,

I have the honour to forward herewith in duplicate a summons in the above case on the file of this Court to the defendant - a German - who is said to be in the care of the Officer Commanding in the Concentration Camp at Ahmed-Nagar and to request that you will be so good as to cause the duplicate to be served on the party therein named and the original returned with the mode of service duly endorsed thereon.

I have the honour to be,

Sir,

Your most obedient servant,

MSN.

DISTRICT MUNSIFF.

22-12-39

SN 1

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Urgent.

No. F.193-39(57)W.

Done 26/12/39

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

Issued. MNR. 28/12/39.

TO

The Commandant,
"A" Internment Camp,
Ahmednagar.

Dated Bangalore, the 28th December 1939.

SERVICE OF SUMMONS ON MR. E. WIELE.

SIR,

Sent in original to the Commandant, Internment Camp.

I am directed to forward a summons (in duplicate) in O.S.No.147 of 1939 on the file of the District Munsiff, Civil and Military Station, Bangalore, to the defendant Mr. E. Wiele, now an internee in the Central Internment Camp, Ahmednagar, and to request you to serve the duplicate copy on him and return the original to this office with the mode of service endorsed thereon.

I have the honour to be,
Sir,
Your most obedient servant,

O/C 26/12

for SECRETARY TO THE RESIDENT.

MNR 25/12/39.

MRN 25.12.39

F. 193-39(57) N.

Ole R. & P.-4. 34.

Acknowledgment.

(*To be returned to office of posting for delivery to sender.*)

RECEIVED a registered* letter. No. 525

addressed to (name) The Commandant,

"A" Government Camels, Ahmednagar.

† Insured for Rs.

† Weighing (*in words*) tolas

rates

Signature of addressee Shivaraj clerk

Date of delivery 30-12-1939 Central Intelligence Corps

* Write here "letter," "post-card," "packet," or "parcel," as the case may be, preceded by the word "insured" if the article is insured.

† To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

Lal Chand & Sons, Printers, Calcutta—No. 5447R (A-358)—12-9-38—20,000 Blks.

On Postal Service.

To

Sender's name and address. } The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Name-stamp of office of posting.

S.N.8

E. Wiele No. 563
Central Internment Camp,
Ahmednagar.

Ahmednagar, 29th Dec. 1939

To the Private Secretary to
The Honorable The Resident in Mysore,
Bangalore.

Sir,

With reference to the summons Original Suit No. 147/167 of 1939 served on me through the Camp Commandant, Ahmednagar, I beg to state the following :

The above summons was already once served and handed to me whilst in internment in Baird Barracks, Bangalore, by Mr. Charleston, District Magistrate, Bangalore. I explained the misrepresentation of the suit to Mr. Charleston and on his advice agreed to settle the case out of court. The District Magistrate offered to pay the amount out of government funds until such time when I was released and in a position to repay government. For this purpose Mr. Charleston drew up in my presence an agreement on stamped paper which I signed then and there. I was therefore surprised to be served again with the same summons.

As I am unable to either be present or to appoint a legal representative I humbly beg you to have the case postponed indefinitely until such time when I shall be able to look after my interests.

Thanking you,

Yours faithfully,

E. Wiele

Vide S.N.687 of (K)

please see para 9 of office notes.

Censor.

LIEUT,
O.C.No.1 Wing

4/1/40

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
5/1/1940.
Recd. No. H1/W.
File No.

5

1511

Issued
ICS
17/1/40

No.F.193-39(57)/W. 17th Jany.1940.

From

The Secretary to the Resident.

To

Mr.E.Wiele,
Internee No.563,
Central Internment Camp,
Ahmednagar.

Through

The Commandant,
"A"Internment Camp,
Ahmednagar.

O.S.147 of 1939 on the file of the District Munsiff, Civil and Military Station, Bangalore - C. R. Nagappa vs. E. Wiele.

S.N.8
P.U.C.

Reference your letter dated the 29th December 1939.

2. The case could not be settled out of Court by the Collector as, under the rules, it was not permissibl to advance money for the purpose from Government grants.

3. Under paras. 3 and 4 of the Control of Internees Property Order, 1939 (extract enclosed), you can, with the approval of the Custodian of Enemy Property, execute a power of attorney and authorise your nominee to defend the suit on your behalf, if you consid it necessary to do so.

4. A copy of your letter has bee sent to the District Munsiff, Civil and Military Station, Bangalore.

SECRETARY TO THE RESIDENT.

Copy

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The District Munsiff,
Civil and Military Station,
Bangalore.

MEMORANDUM ~~xDxx~~ No. F.193-39(57)/W.

Dated Bangalore, the January *1940* .

SERVICE OF SUMMONS ON MR. E. WIELE,
DEFENDANT IN O.S. No.147 of 1939.

S.N.6 of (K)

Reference your letter M.No.244/39, dated the 22nd December 1939.

S.N.8
Puc

2. A copy of a letter dated the 29th December 1939, received from Mr. E. Wiele, now an internee in the Central Internment Camp, Ahmednagar, is forwarded.

please see paras 9 and 10 of office notes.

3. The Collector has dropped the proposal for the settlement of the claim out of Court.

9/c

SECRETARY TO THE RESIDENT.

6/1/40.